

Senate Amendment 5292

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1 1 Amend Senate File 2269, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 5, by inserting after the word
1 4 the following: 1 5 courier,>.
1 6 #2. Page 1, line 12, by inserting after the word
1 7 the following: 1 8 courier,>.
1 9 #3. Page 13, by inserting after line 8, the
1 10 following:
1 11 _____. Section 52.1, subsection 2, paragraph
1 12 h, Code 2003, is amended to read as follows:
1 13 h. "Voting machine" means a mechanical or
1 14 electronic device, meeting the requirements of section
1 15 52.7, designated for use in casting, registering,
1 16 recording, and counting votes at an election. "Voting
1 17 machine" includes, but is not limited to, direct
1 18 recording electronic devices.>
1 19 #4. Page 13, by inserting after line 19, the
1 20 following:
1 21 _____. Section 52.5, unnumbered paragraph 2,
1 22 Code 2003, is amended to read as follows:
1 23 The state commissioner shall formulate, with the
1 24 advice and assistance of the examiners, and adopt
1 25 rules governing the testing and examination of any
1 26 voting machine or electronic voting system by the
1 27 board of examiners. The rules shall prescribe the
1 28 method to be used in determining whether the machine
1 29 or system is suitable for use within the state and
1 30 performance standards for voting equipment in use
1 31 within the state. The rules shall provide that all
1 32 electronic voting systems and voting machines approved
1 33 for use by the examiners after April 9, 2003, shall
1 34 meet voting systems performance and test standards, as
1 35 adopted by the federal election commission on April
1 36 30, 2002, and as deemed adopted by Pub. L. No. 107=
1 37 252, section 222. The rules shall include standards
1 38 for determining when recertification is necessary
1 39 following modifications to the equipment or to the
1 40 programs used in tabulating votes, and a procedure for
1 41 rescinding certification if a system or machine is
1 42 found not to comply with performance standards adopted
1 43 by the state commissioner.
1 44 Sec. _____. Section 52.7, unnumbered paragraphs 2
1 45 and 4, Code 2003, are amended to read as follows:
1 46 It must also be so constructed as to prevent voting
1 47 for more than one person for the same office, except
1 48 where the voter is lawfully entitled to vote for more
1 49 than one person for that office; and it must afford
1 50 the voter an opportunity to vote for any or all
2 1 persons for that office as the voter is by law
2 2 entitled to vote for and no more, at the same time
2 3 preventing the voter from voting for the same person
2 4 twice. The voting machine must be so constructed as
2 5 to provide the voter with an opportunity to change a
2 6 vote before the ballot is recorded and counted.
2 7 Such machine shall be so constructed as to
2 8 accurately account for every vote cast upon it. The
2 9 machine shall be so constructed as to remove
2 10 information from the ballot identifying the voter
2 11 before the ballot is recorded and counted. If the
2 12 machine is a direct electronic recording device, the
2 13 machine shall be so constructed as to store each
2 14 ballot cast separate from the ballot tabulation
2 15 function, which ballot may be reproduced on paper in
2 16 the case of a recount, manual audit, or machine
2 17 malfunction.>
2 18 #5. Page 16, line 4, by inserting after the word
2 19 the following: <The statement shall also point
2 20 out that it is possible for an absentee ballot courier
2 21 to personally deliver the completed absentee ballot to
2 22 the office of the commissioner by five p.m. on
2 23 election day.>
2 24 #6. Page 16, by striking lines 5 through 23 and
2 25 inserting the following:
2 26 _____. Section 53.17, Code 2003, is amended to

2 27 read as follows:

2 28 53.17 MAILING OR DELIVERING BALLOT.

2 29 1. The sealed envelope containing the absentee
2 30 ballot shall be enclosed in a carrier envelope which
2 31 shall be securely sealed. The sealed carrier envelope
2 32 shall be returned to the commissioner by one of the
2 33 following methods:

2 34 1- a. The sealed carrier envelope may be delivered
2 35 by the registered voter, by the special precinct
2 36 election officials designated pursuant to section
2 37 53.22, subsection 1, or by the voter's designee if the
2 38 absentee ballot is voted by a voter described in
2 39 section 53.22, subsection 5, to the commissioner's
2 40 office no later than the time the polls are closed on
2 41 election day, except as otherwise provided in
2 42 subsection 4.

2 43 2- b. The sealed carrier envelope may be mailed to
2 44 the commissioner by the registered voter, by an
2 45 immediate family member of the voter, or by the
2 46 voter's designee if the ballot is voted by a voter
2 47 described in section 53.22, subsection 5. The carrier
2 48 envelope shall indicate that greater postage than
2 49 ordinary first class mail may be required. The
2 50 commissioner shall pay any insufficient postage due on
3 1 a carrier envelope bearing ordinary first class
3 2 postage and accept the ballot.

3 3 c. The sealed carrier envelope may be delivered to
3 4 the commissioner by an absentee ballot courier, but
3 5 only as provided in subsection 4.

3 6 2. In order for the ballot to be counted, the
3 7 carrier envelope must be received in the
3 8 commissioner's office before the polls close on
3 9 election day or be clearly postmarked by an officially
3 10 authorized postal service not later than the day
3 11 before the election and received by the commissioner
3 12 not later than noon on the Monday following the
3 13 election.

3 14 3. If the law authorizing the election specifies
3 15 that the supervisors canvass the votes earlier than
3 16 the Monday following the election, absentee ballots
3 17 returned through the mail must be received not later
3 18 than the time established for the canvass by the board
3 19 of supervisors for that election. The commissioner
3 20 shall contact the post office serving the
3 21 commissioner's office at the latest practicable hour
3 22 before the canvass by the board of supervisors for
3 23 that election, and shall arrange for absentee ballots
3 24 received in that post office but not yet delivered to
3 25 the commissioner's office to be brought to the
3 26 commissioner's office before the canvass for that
3 27 election by the board of supervisors.

3 28 4. a. A person who acts as an actual or implied
3 29 agent of a political party, candidate, or committee,
3 30 as defined by chapter 68A, shall register with the
3 31 commissioner as an absentee ballot courier in order to
3 32 deliver completed absentee ballots to the
3 33 commissioner. A candidate whose name is on the ballot
3 34 or an elected official shall not be allowed to
3 35 register as an absentee ballot courier.

3 36 b. The registration shall include the courier's
3 37 name and address and the best means for contacting the
3 38 person or the political party, candidate, or committee
3 39 for which the person is acting as an actual or implied
3 40 agent. An absentee ballot courier must register with
3 41 the commissioner prior to each election for which the
3 42 person will be delivering completed absentee ballots
3 43 to the commissioner. For each election, the
3 44 commissioner shall maintain a list of all persons who
3 45 have registered as absentee ballot couriers.

3 46 c. A person wishing to register as an absentee
3 47 ballot courier must complete a training course in the
3 48 laws, procedures, and penalties related to handling
3 49 completed absentee ballots. The training course shall
3 50 be conducted by the commissioner; the commissioner's
4 1 designee; or, in the case of partisan elections, by
4 2 the respective county central committees. The
4 3 curriculum for the training course shall be
4 4 established by the state commissioner by rule adopted
4 5 pursuant to chapter 17A.

4 6 d. When an absentee ballot courier retrieves a
4 7 completed absentee ballot from a voter, the courier

4 8 shall fill out a receipt to be retained by the voter.
4 9 The state commissioner shall prescribe a form for
4 10 receipts required by this subsection. The receipt
4 11 shall include all of the following:
4 12 (1) The name of the courier.
4 13 (2) The date and time the voted absentee ballot
4 14 was received from the voter.
4 15 (3) The name and date of the election for which
4 16 the absentee ballot is being voted.
4 17 (4) The name of the political party, candidate, or
4 18 committee for which the courier is acting as an actual
4 19 or implied agent.
4 20 (5) A statement that the completed absentee ballot
4 21 will be delivered to the commissioner's office within
4 22 seventy-two hours or by five p.m. on election day,
4 23 whichever is sooner.
4 24 e. An absentee ballot courier shall submit a cover
4 25 sheet listing the names of persons whose ballots are
4 26 being delivered each time the courier delivers ballots
4 27 to the commissioner's office.
4 28 f. A violation of any part of this subsection is
4 29 election misconduct in the first degree, pursuant to
4 30 section 39A.2, subsection 1, paragraph "b",
4 31 subparagraph (1).
4 32 5. For purposes of this section, "immediate family
4 33 member" means the spouse, adult child or stepchild,
4 34 adult grandchild, parent or stepparent, grandparent,
4 35 or adult sibling of the voter.>
4 36 #7. Title page, line 3, by inserting after the
4 37 word the following: 4 38 related to voting machines,>.
4 39 #8. By renumbering, relettering, or redesignating
4 40 and correcting internal references as necessary.
4 41 SF 2269.H
4 42 sc/es/25